A Talmud in Exile

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Appendix

The Babylonian Anonymous Bavli Shows the Influence of a Babylonian Halakhic Agenda

Among the unresolved issues pertaining to the Bavli’s anonymous voice is whether it inserts a Babylonian halakhic perspective or whether its concerns are primarily exegetical. While we cannot hope to resolve this issue with one example, the following may contribute at least a small part to the ongoing discussion. At b. AZ 69b, the Babylonian anonymous Bavli asks a question about a particular halakhic position vis-à-vis m. AZ 5:3–4. In these mishnayot, the anonymous tanna rules that if an Israelite and a Gentile are transporting wine together, and the Israelite informs the Gentile that he will be absent for a while, the wine is forbidden if the Israelite was absent for a period of time sufficient for the Gentile to have drilled a hole in the wine-barrel and patched it up again. R. Shimon b. Gamliel, by contrast, allows for a longer period of absence: the wine is forbidden only if the Jew was gone long enough for the Gentile to have completely opened the barrel, replaced the top with a new one, and for the seal of the new top to have dried.

At 69b, the Bavli records Rava’s view that the law follows R. Shimon b. Gamliel. Following some anonymous discussion of Rava, the anonymous Bavli wonders:

Since our view is that of R. Shimon b. Gamliel who does not worry about piercing [a hole in the barrel], and [since] the halakhah is like R. Eliezer, who does not worry about counterfeiting [R. Eliezer’s view is that we do not worry that a Gentile would go to the trouble of breaking a Jew’s seal to open a wine-barrel and then counterfeiting his seal to cover his deed], then what is the reason we do not leave wine in the hands of idolaters?
The answer provided is “because of attachment” [the concern that the Gentile would make a small opening in the barrel with an attached covering, big enough to smell and possibly even taste the wine]. The Babylonian anonymous Bavli is puzzled: since “our view” represents two lenient positions, why is contemporary practice not lenient? The anonymous Bavli’s reference to what “our view” is and the question’s focus on normative practice shows that we are dealing with someone’s halakhic agenda, not an exegetical one.